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09/705,036	11/02/2000	Brendan Solan	200-0592	6840

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,036

Applicant(s)

SOLAN ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on April 18, 2003.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 19, 20, 23-25, 27, 29-30, 34, 36, 39 and 41 are rejected under 35 U.S.C. 102(a) as being anticipated by Tuttle (US 6,097,301).

Tuttle teaches an RFID system used in a baggage handling or airport baggage sorting facility. At the check-in counter, operators or baggage handler personnel attaches an RFID tag 16 to teach suitcase (col 3, lines 10-11), which serves as affixing a selectively programmable identification device to an item. A semiconductor memory 38 within the tag is programmed to store information on the itinerary of the suitcase. The itinerary information includes the name of the owner, serving as a first item identifier, a destination, serving as the destination identifier, time, serving as status identifier, and a flight number, serving as a location identifier (col 3, lines 17-23). The central computer receives data from the memory of the RFID via interrogator transceivers (col 4, lines 40-46). The memory also stores special handling instructions, which serves as a second item identifier to the item that associates with the item with the first item identifier (col 3, lines 20-22). Tuttle teaches that RFID systems have been proposed for

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identifying tagged objects for such purposes as taking inventory or tracking movements of objects being transported.

Re claim 20: The above described RFID tag is attached when the personnel receives the item at the check-in counter (col 3, lines 10-11).

Re claim 23, 25, 27, 29-30 and 41: Tuttle further teaches that a number of handler personnel 10, or operators, are responsible for loading a large number of suitcases 12 and other baggage pieces into a various freight container 14, which serves as a predetermined storage location, by reading the designated flight number and/or destination from the tag attached to the suitcase (col 3, lines 1-9). Each freight container has been designated to be loaded on a specific aircraft flight (col 3, lines 5-6). The flight number and/or destination identify which aircraft light the item belongs to. The destination is considered a geographic coordinate.

Re claim 24 and 36: Tuttle teaches that the RFID tag includes a transceiver 16 and a control logic circuit 36, such as a programmable microcomputer (col 4, lines 64+).

Re claim 34 and 39: Tuttle further teaches that the central computer receives data from the memory in the RFID and stores data on the central computer. The data stored in the central computer is useful for tracking the progress of baggage in case of an inquiry or a lost object (col 4, lines 40-46).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 28, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson (US 5,635,693). The teachings of Tuttle have been discussed above.

Tuttle fails to teach further including the step of modifying the storage location identifier if the item is moved to another storage location with the storage area. Tuttle also fails to teach the step of selectively altering the status identifier to prevent or allow shipment of the item.

Furthermore, Benson discloses that an identification representing a location of the vehicle is altered in response to the movement of the vehicle (col.8 lines 53-59).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Benson to the teachings of Tuttle because modification of the tag information is necessary when there is a sudden flight change to due to, for example, flight cancellation. Such modification is important to keep track of the item for such situation changes and allows shipment of the item in a proper flight.

5. Claims 22, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Levine (US 5,477,038).

Tuttle fail to teach further including the step of assigning a transportation status identifier to the item indicative of whether the item has been shipped.

Levine et al teaches a second data indicating the shipment of cards (col 8 lines 53-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Levine to the teachings of Tuttle because a record of the shipment may be useful for tracking purposes, and they can verify the shipment if an information regarding it is needed by customers.

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6. Claims 26 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Bravman et al (US 5,866,888). The teachings of Tuttle have been discussed above.

Tuttle fails to teach that the selectively programmable identification device is a bar code storage device for selectively reading and storing the first item identifier, second item identifier, destination identifier, status identifier and the location identifier.

Bravman teaches a bar code label 70 includes passenger identification code as well as any other desired information, such as passenger's name, address, seat assignment, advance beverage orders, information about any special handling required for passenger, connecting flight information, rental car, hotel information and the like.

Therefore, it would have been obvious to an artisan ordinary skill in the art at the time the invention was made to integrate the teachings of Bravman to the teachings of Tuttle in order provide a cheaper baggage identification tag because barcode tags do not require transceivers and microprocessors.

7. Claims 31, 33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Jaekle et al (US 3,661,098). The teachings of Tuttle have been discussed above.

Tuttle fails to teach that the freight item is a vehicle.

Jaekle teaches a shipping of automobiles using a rail car (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Jaekle to the teachings of Tuttle in order to transport vehicles in a fast, but cheap manner and avoid lost or stolen vehicles during shipment from one location to another as well as to be able to locate them in case of loss vehicles.

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8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Handy (US 4,832,204). The teachings of Tuttle have been discussed above.

Tuttle fails to teach the step of generating a report including the location of the freight item.

Handy also teaches that a report may be generated to locate the item 38 (col.2 lines 67+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Handy to the teachings of Tuttle in order to quickly locate the item for customers in case of lost baggage.

### ***Response to Arguments***

The Applicant has cancelled 1-18 and added new claims 19-43. The new added claims include new limitation, such as tracking an item, identification device having a memory, the identification device communicating with a computer system, freight item, etc. Such new limitation required new search and consideration. Therefore, this action is made final.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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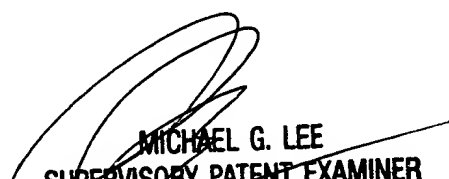
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Kumiko C. Koyama  
July 11, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800